

**TWENTY-SECOND DAY**  
(Monday, February 21, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Snelson.

A quorum was announced present.

Pastor John W. Auer, St. Martin's Lutheran Church, Austin, Texas, offered the invocation as follows:

Dear Lord,

We thank You today for every gift of life and for all the joy of living. Especially are we mindful for the gift of Government and for the members of this Senate of the State of Texas assembled here. On this day, as we celebrate the birthday of our first President, George Washington, help us to be mindful of the heritage that brings us to this moment in history. Lead us each one to recognize that the decisions of today become the heritage of tomorrow and may the pages of that history for which we are responsible be filled with honest integrity and true compassion. Bless each home and family in this great state today and those who govern them that all that is done will be pleasing in Your sight. We pray in the name of Your Son Jesus Christ our Savior and Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 17, 1977 was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Snelson was granted leave of absence for today on account of illness on motion of Senator Sherman.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Human Resources:

**S.B. 546** (Amended)  
**S.B. 212** (Amended)  
**S.B. 563** (Amended)  
**S.B. 565**

Senator Creighton submitted the following report for the Committee on Economic Development:

**S.B. 172**

**C.S.S.B. 67** (Read first time)

**C.S.S.B. 205** (Read first time)

### MESSAGE FROM THE HOUSE

House Chamber

February 21, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 22**, A bill to be entitled An Act relating to the valuation of open-space land used to support the raising of livestock or produce farm crops or forest products; the determination of a capitalization rate; disqualification and penalty; stating an effective date; and declaring an emergency.

**H.B. 148**, A bill to be entitled An Act relating to providing for discovery and production of documents and interrogatories to parties in agency proceedings; amending Article 6252-13a, Revised Civil Statutes; and declaring an emergency.

**H.B. 245**, A bill to be entitled An Act relating to determining a school district's average daily attendance for purposes of allocating personnel units under the Foundation School Program; amending Subsection (a), Section 16.102, Texas Education Code, as amended.

**H.B. 509**, A bill to be entitled An Act relating to the immunity from suit of Stephen F. Austin State University; repealing Section 101.18 of the Texas Education Code.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 661** by Jones of Harris Economic Development  
Relating to an exception to the limit to which any person or corporation may become liable to a state bank; amending Article 7, Subchapter V, Texas Banking Code of 1943, as amended (Article 342-507, Vernon's Texas Civil Statutes).

**S.B. 662** by Aikin Education  
Relating to the establishment of guidelines for academic workloads at state-supported institutions of higher education; adding Subchapter H to Chapter 51 of the Texas Education Code.

**S.B. 663** by Aikin

Natural Resources

Relating to exemption from certain special district audit requirements; amending the Water Code, as amended, by adding Section 50.378.

**S.B. 664** by Jones of Harris, Parker

Human Resources

Relating to certain definitions in, the relief and defenses available under, and to the intent of the legislature regarding the construction of certain provisions of, Subchapter E, Chapter 17, Business and Commerce Code; amending Section 17.45, Subsection (c) of Section 17.46, Subsections (c) and (d) of Section 17.47, Subsections (a) and (b) of Section 17.50, adding Subsection (d), Section 17.50, and adding Section 17.55A, Business and Commerce Code; and declaring an emergency.

**S.B. 665** by Mengden

Human Resources

Relating to licensing of certain persons as nursing home administrators; amending Section 9 of the Texas Nursing Home Administrators Licensure Act (Article 4442d, Vernon's Texas Civil Statutes) by adding Subsection (7).

**S.B. 666** by Mengden

Economic Development

Relating to the records of secondhand metal dealers; amending Subsection (a), Section 2, Chapter 460, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 9009, Vernon's Texas Civil Statutes).

**S.B. 667** by Meier

Economic Development

Amending Article 2 of Subchapter IV, Texas Banking Code of 1943, as amended, Article 342-402, Vernon's Texas Civil Statutes), relating to voting rights of a state bank in its own stock held in a fiduciary capacity; and declaring an emergency.

**S.B. 668** by Schwartz

Jurisprudence

Relating to the duty of a railroad company with regard to signs and safety devices at grade crossings; amending Article 6370, Revised Civil Statutes of Texas, 1925.

**S.B. 669** by Schwartz

Jurisprudence

Providing that an action for the recovery of lands, tenements, or hereditaments against one having peaceable and adverse possession must be instituted within 10 years after the cause of action accrues; providing that the statute of limitations may not be pleaded in bar of the action if the person bringing the action for recovery of an interest in land has paid taxes thereon within 10 years prior to the date the action was filed; providing that the statute of limitations may not be pleaded unless the adverse claimant has paid all taxes regularly and without penalty thereon during the 10 years; amending Article 5510, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

**S.B. 670** by Patman

State Affairs

Relating to the formation of county election precincts in cities having 10,000 or more inhabitants; amending Sections 1a and 12, Texas Election Code, as amended (Articles 1.01a and 2.04, Vernon's Texas Election Code).

**S.B. 671** by Hance

Intergovernmental Relations

Relating to the creation of the constitutional office of Criminal District Attorney of Crosby County; abolishing the office of County Attorney of Crosby County.

**S.B. 672** by Harris

Jurisprudence

Relating to appointment as trustee of an inmate in state prison who is charged with an offense; repealing Section 4, Chapter 19, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 6184d, Vernon's Texas Civil Statutes).

**S.B. 673** by Schwartz Natural Resources  
Amending Article 5415e-2 V.A.C.S., "The Texas Coastal Waterway Act of 1975," to amend the stated policy and findings, to add a new definition for "mandated costs," adding a new section relative to mandated costs, and adding a section relative to cooperation of persons involved and declaring an emergency.

**S.B. 674** by Mengden Education  
Relating to questions on student applications for grants, fellowships, or financial assistance at state-supported institutions of higher education; amending Chapter 51, Texas Education Code, as amended, by adding Section 51.908.

**S.B. 675** by Doggett Human Resources  
Relating to deceptive trade practices and unconscionable courses of action and regulation of false, misleading and deceptive trade practices; amending Deceptive Trade Practices Consumer Protection Act, Subchapter E, Chapter 17, Business and Commerce Code, as amended; and declaring an emergency.

**S.B. 676** by Hance Human Resources  
Relating to a program for screening and testing newborn infants for hypothyroidism.

**S.C.R. 43** by Jones of Harris Administration  
Authorizing Inexco Oil Company to file an interpleader action in a court of competent jurisdiction.

**S.R. 224** by Schwartz Natural Resources  
Urging the Maritime Industry, Labor and Conservation organizations to undertake a comprehensive evaluation and assessment of the problems, opportunities, and courses of action that may be taken by the public and private sectors of the maritime industry.

#### **HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House, were read the first time and referred to the Committee indicated:

**H.C.R. 55**, To Committee on Administration.  
**H.B. 22**, To Committee on Economic Development.  
**H.B. 509**, To Committee on Education.  
**H.B. 245**, To Committee on Education.

#### **CO-AUTHOR OF SENATE BILL 54**

On motion of Senator Doggett and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 54**.

#### **CO-AUTHOR OF SENATE BILL 154**

On motion of Senator Meier and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 154**.

#### **CO-AUTHOR OF SENATE BILL 159**

On motion of Senator Meier and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 159**.

**CO-AUTHOR OF SENATE BILL 572**

On motion of Senator Aikin and by unanimous consent, Senator Farabee will be shown as Co-author of **S.B. 572**.

**CO-AUTHORS OF SENATE BILL 307**

On motion of Senator Truan and by unanimous consent, Senators Brooks, Santiesteban, Longoria, and Traeger will be shown as Co-authors of **S.B. 307**.

**BILL SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

**S.B. 324****SENATE BILL 141 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Moore and by unanimous consent, **S.B. 141** was Laid on Table Subject to Call.

**SENATE BILL 536 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 536**, Authorizing the Public Utility Commission to transfer certain appropriations; making a supplemental appropriation. (Submitted by the Governor as an emergency).

The bill was read second time and was passed to engrossment.

**SENATE BILL 536 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

**SENATE BILL 219 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 219**, A bill to be entitled An Act making an appropriation to the State Rural Medical Education Board.

The bill was read second time and was passed to engrossment.

**SENATE BILL 219 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 219** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

**SENATE BILL 486 ON SECOND READING**

On motion of Senator Adams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 486**, Relating to the submission to the State Board of Control of all plans for the erection of monuments or memorials within the Capitol complex; amending Chapter 312, Acts of the 42nd Legislature, Regular Session, 1931 (Article 678e-1, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

**SENATE BILL 486 ON THIRD READING**

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 486** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

#### SENATE BILL 289 ON SECOND READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 289**, Relating to the resident hunting license exemption fee; amending Section 42.013, Parks and Wildlife Code.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 289** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Clower, Patman, Truan.

Absent-excused: Snelson.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### SENATE BILL 289 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 289** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Clower, Patman, Truan.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Williams.

Nays: Clower, Patman, Traeger, Truan.

Absent-excused: Snelson.

#### **MOTION TO PLACE SENATE BILL 293 ON SECOND READING**

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 293**, Relating to the methods of taking fish in and within one mile of certain passes; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.2041.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 293** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Brooks, Clower, Doggett, Longoria, Mauzy, Parker, Truan.

Absent-excused: Snelson.

#### **MOTION TO PLACE SENATE BILL 298 ON SECOND READING**

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 298**, Relating to commercial fishing by the holder of a fish farmer's license and certain qualifications for holding a fish farmer's license; amending Chapter 48, Parks and Wildlife Code, by adding Section 48.0021.



There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 298** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Bracklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Williams.

Nays: Adams, Clower, Doggett, Longoria, Mauzy, Parker, Truan.

Absent-excused: Snelson.

#### SENATE JOINT RESOLUTION 13 ON SECOND READING

Senator Williams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.J.R. 13** be taken up for consideration at this time:

**S.J.R. 13**, Proposing an amendment to Article III, Section 49-b, of the Texas Constitution, as amended, to provide for an additional \$200 million in bonds or obligations of the State of Texas for the Veterans' Land Fund and to allow the surviving widows of veterans who died in the line of duty to purchase tracts through the Veterans' Land Board under certain circumstances.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time.

Senator Williams offered the following committee amendment to the resolution:

Amend the caption of Senate Joint Resolution 13, page 1, line 5, by deleting the word "widows" and substituting in lieu thereof "spouses".

The committee amendment was read and was adopted.

Senator Williams offered the following committee amendment to the resolution:

Amend Senate Joint Resolution No. 13, page 7, line 10, by deleting the four words after the word "further" and deleting all of line 11, 12, 13, 14, and the first eight words of line 15, ending with the word "board" and substituting in lieu thereof:

"that the deceased veterans were bona fide residents of the State of Texas at the time of enlistment, induction, commissioning or drafting."

The committee amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

### SENATE JOINT RESOLUTION 13 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent-excused: Snelson.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent-excused: Snelson.

### SENATE JOINT RESOLUTION 5 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.J.R. 5**, Proposing an amendment to Article VIII of the Texas Constitution relating to tax relief to preserve certain historical resources.

There was objection.

Senator Doggett then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.J.R. 5** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

The President then laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

#### SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

#### SENATE BILL 595 ON SECOND READING

Senator Doggett asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 595**, Relating to tax exemptions for certain historic sites; amending Title 122, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 7150i; providing a contingent effective date; and declaring an emergency.

There was objection.

Senator Doggett then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 595** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

#### SENATE BILL 595 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 595** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight, Moore, Patman.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **SENATE BILL 396 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 396**, Relating to the exemption of the TYC facilities for children committed to the Texas Youth Council for having engaged in delinquent conduct from the provisions of the Child Care Licensing Act, amending Chapter 708, Acts of the 64th Legislature, Regular Session, 1975, (Article 695a-3, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 396 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 396** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Harris.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Harris.

Absent-excused: Snelson.

#### **SENATE BILL 59 ON SECOND READING**

Senator Mengden asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 59**, A bill to be entitled An Act excluding from the definition of "sales price" in the Limited Sales, Excise and Use Tax Act receipts from certain mandatory service charges; and amending Subsection (3), Section (L), Article 20.01, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

There was objection.

Senator Mengden then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 59** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Mauzy.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend Senate Bill 59 by striking all of quoted Subsection (i) of Section 1 and substituting the following in lieu thereof:

"(i) ~~(4)~~ Voluntary gratuities and reasonable mandatory charges for the service of meals and food products, including soft drinks and candy, for immediate human consumption when the service charge is separated from the sales price of the meal or food product and identified as a gratuity or tip and when the total amount of the service charge is disbursed by the employer to employees who customarily and regularly provide such service."

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 59 ON THIRD READING**

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 59** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Jones of Harris.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Mauzy.

Absent-excused: Snelson.

**COMMITTEE SUBSTITUTE SENATE BILL 111 ON SECOND READING**

On motion of Senator Mengden and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 111**, Relating to the allocation of funds to public junior and community colleges to cover the loss of tuition and laboratory fees resulting from tuition and fee exemptions under Sections 54.201 through 54.209 of the Texas Education Code; adding Section 61.703 to Chapter 61, Texas Education Code.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 111 ON THIRD READING**

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 111** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 225** - by Doggett: Extending welcome to Pastor John W. Auer.

**S.R. 226** - by Adams: Extending congratulations to Howard Rusk.

**S.R. 227** - by Clower: Extending welcome to Tom Landrum.

**S.R. 228** - by Clower: Extending welcome to Ms. Jolene Dugan.

**S.R. 229** - by Schwartz: Extending welcome to Sam Boyd, Jr.

#### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:09 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **APPENDIX**

##### **Sent to Governor**

**(February 21, 1977)**

**S.B. 324**

#### **TWENTY-THIRD DAY**

**(Tuesday, February 22, 1977)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower, Moore.